IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 22283 of 2007(C)

AS.98/2006 of SUB COURT,NEYYATTINKARA
OS.703/2004 of PRL.M.C.,NEYYATTINKARA
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PETITIONER:
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1. SUKUMARAN NADAR, AGED 59,
S/O. AYYAPPAN NADAR, RESIDING AT KUTTANIMATHIL VEEDU, ARUMANNOOR DESOM, THIRUPURAM PAKUTHI.

2. SOBAR RAJ, AGED 30,
S/O. SUKUMARAN NADAR, KUTTANIMATHIL VEEDU, ARUMANNOOR DESOM, THIRUPURAM PAKUTHI.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

SIVARAJAN NADAR, AGED 62,
S/O. AYYAPPAN NADAR, RESIDING AT THANKARAJ BHAVAN, KUTTANIMATHIL, ARUMANNOOR DESOM,THIRUPURAM PAKUTHI

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 22283 OF 2007

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Dated this the 19th day of July, 2007.

J U D G M E N T

This writ petition is filed seeking for a direction to the Sub Judge, Neyyattinkara to dispose of Ext.P4 delay condonation application and Ext.P5 stay application in A.S.98/06 within the time frame and to keep the proceedings in E.P.262/06 in O.S.703/04 pending till that time.

2. Against the judgment and decree passed by the trial Court, an appeal has been filed with a petition to condone the delay of 16 days. I am informed that the said delay condonation application is not yet disposed and in view of the same the Court is not entitled to proceed with the appeal and to consider the stay application. The delay pointed out is not that much and substantial injustice will be done if execution proceedings is directed to be proceeded with before disposal of these matters. Therefore, the writ petition is disposed of directing the Sub Judge, Neyyattinkara to dispose of Ext.P4 delay condonation application within a

time frame of one month and in case it being allowed to consider the stay application and pass appropriate orders and till such time the trial court is directed not to proceed with the execution proceedings.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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